

## **REMARKS**

In the Final Office Action, Claims 1-31 were once again rejected. Claims 1-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fitzgerald (U.S. Patent No. 6,260,049) in view of Pinsky et al. (U.S. Patent No. 5,513,101) for substantially the same reasons given in the previous Office Action. Applicant discussed these rejections in a telephone conference with the examiners on December 14, 2005, and applicant respectfully traverses this rejection with respect to Claims 1-31, as amended, in view of the following arguments.

Based on the telephone conference with the examiners, the examiners' rejection of Claims 1, 15, 16 and 17 is primarily based on the disclosure in Fitzgerald relating to the embodiment described in Figures 41 and 42 (see Fitzgerald; Col. 22, ll. 44-67; Col. 23, ll. 1-50). While the focus of the discussion during the telephone conference was primarily directed to Claim 1, the discussion is equally applicable to the other independent claims in the application, namely, Claims 15, 16 and 17. The Fitzgerald reference was discussed at length during the call.

As discussed with the examiners, the applicant submits that Fitzgerald does not teach or disclose the "master folder" element as described in Claims 1, 15, 16 and 17. As discussed in the call and further described below, Fitzgerald discloses the use of a folder interface that is "scanned" from the patient's original manual master folder. In contrast, Claims 1, 15, 16 and 17 recite that the present invention generates the digital graphical representation of the patient's manual master folder electronically and includes within such digital graphical representation data fields including hyperlinks to provide for the viewing of additional information and images. A folder interface that is merely "scanned" as disclosed in Fitzgerald would not include such features.

More specifically, Fitzgerald discloses a shelf manager system for managing medical record file storage systems. In Figure 41, Fitzgerald discloses a graphical user interface screen for use with the system. The screen can be used to search for or to add file data associated with tracking and purging x-ray files. (See Col. 22, ll. 44-59). However, such screen is not intended to be a digital graphical representation of a patient's manual master folder. Further, in contrast to the present invention, the screen does not include data fields that provide for the viewing of additional information or images relating to the individual patient's medical records when clicked.

With respect to the embodiment described in Figure 42, Fitzgerald discloses the use of a flatbed image scanner 682 to scan a patient's manual folder contents in order to create electronic file records in order to track and respond to multiple file requests. (See Col. 23). Such an embodiment is described as a "supplement" to the manual patient file to permit multiple departments to review a patient's file materials. (See Col. 23, ll. 12-17). As shown in Figure 42, the scanner is used to "scan pages of documents into the computer system, so that they may be provided to the requesting department in electronic form or printed out in paper form". (See Col. 23, ll. 23-27). As further described, Fitzgerald also discloses the use of a pen-based input device 684 for making handwritten annotations to the electronic copies of the files and a voice recognition interface 686 for making voice annotations to the files. (See Col. 23, ll. 43-50).

In contrast, the applicant's invention is intended as a complete substitute for existing manual patient file records. Also, as shown in Figure 1 of the application, the applicant's invention generates a digital graphical representation of a patient's manual master folder as an image on a computer monitor screen to serve as a graphical user interface for radiologists and radiology departments to access a patient's information and radiology images. The digital

graphical representation of the patient's manual master folder is not "scanned". It is an electronic image that includes data fields having hyperlinks to provide for the viewing of additional information or images relating to a patient's medical records. (See Detailed Description, Paragraphs 0028 and 0029). In particular, paragraphs 0028 and 0029 describe the functionality of hyperlinks 11 and 12 included in the "EXAM" and "REMARKS" data fields as shown in Figure 1. Claims 1, 15, 16 and 17 have been further amended to further define this element of the invention and to make this distinction, and such amendments are supported by the specification. Such hyperlink functionality would not be possible if the digital graphical representation were merely a scanned image as taught by Fitzgerald.

These distinctions were discussed with the examiners during the conference call and the examiners suggested that such distinctions may be sufficient to overcome the Fitzgerald reference. The examiners recommended that the applicant further amend Claims 1, 15, 16 and 17 to further recite the active steps involved in the invention of generating the digital graphical representation of a patient's manual master folder on a computer screen and of generating data fields on the digital graphical representation which include hyperlinks to provide for the viewing of additional information or images relating to a patient's medical records. Applicant has amended Claims 1, 15, 16 and 17 as suggested by the examiners to further clarify and recite such steps. Such steps are not disclosed or suggested by Fitzgerald.

Accordingly, applicant respectfully submits that Claims 1-31, as amended, are patentable over Fitzgerald and Pinsky either alone or in combination and the rejections under 35 U.S.C. §103(a) should be withdrawn. Applicant reserves its right to swear behind any one or more of the references cited by the examiner.

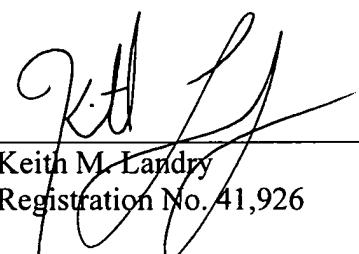
**CONCLUSION**

Favorable action and allowance of the application as now presented is respectfully requested.

Respectfully submitted,

JONES, WALKER, WAECHTER,  
POITEVENT, CARRÈRE & DENÈGRE,  
L.L.P.

By:

  
Keith M. Landry  
Registration No. 41,926

Dated: January 13, 2006  
201 St. Charles Avenue  
New Orleans, Louisiana 70170-5100  
(504) 582-8702